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BOOK REVIEWS

Griechisches Bürgschaftsrecht. 1. Teil: "Das Recht des altgriechischen Gemeindestaats." Von DR. JUR. JOSEF PARTSCH, A.O. Prof. der Rechte an der Universität Genf. Leipzig und Berlin: Teubner, 1909.

This is an exhaustive and scholarly treatment of suretyship in Greek law. The author approaches his task with an excellent equipment, consisting of a knowledge of Roman law and of the results of modern investigation in German and Scandinavian legal history, and a familiarity with the Greek sources from Homer to the papyri. The book will appeal chiefly to those who are interested in Greek law or the larger field of comparative law, but the table of contents and the index of passages cited from Greek literary and epigraphical sources (a most commendable feature) render it a useful book for all students of Greek.

By deductions based upon survivals of ancient practice in later times and upon the form of the institution in other legal systems, particularly in the German, he concludes that originally the surety was a hostage who upon failure of the guarantor to perform his promise came into the possession of the promisee to be disposed of as he saw fit. Originally the surety did not have the option of himself performing the promise. Later this option was allowed by special agreement. The earliest case of surety is found in *Odyssey* viii. 344 ff. Hephaestus' question, πῶς ἂν ἐγὼ σε δέοιμι; shows that he contemplated the early form of suretyship but he finally agreed to accept specific performance by Poseidon in case of Ares' default. At first sight it would seem highly improbable that a person should refuse to accept specific performance from any source, but in the light of the custom of demanding damages for all wrongs it is more plausible. A wronged person with a hostage in his hands would not be satisfied with mere performance when he had it in his power to exact substantial damages by disposing of the person of the surety. It is interesting to note that the author rightly accepts on legal grounds Thalheim's interpretation of the troublesome line:

δαιλαί τοι δειλῶν γε καὶ ἐγγυαὶ ἐγγνάσθαι,

"Ohnmächtig sind die Bürgschaften die den Ohnmächtigen gegeben werden." This interpretation is found in the scholia.

The statement that the *Hero* of Menander shows that "im 4. Jahrhundert die Verpfändung von Kindern statthaft und in Uebung gewesen sein muss" is scarcely warranted. I suspect the situation in the *Hero* arose out of an agreement between Tibeius and his former master. Little is known

about these agreements. We know of some cases in which the freedman was not allowed to rear children (Calderini *La manomissione* 293). If he did the master retained the right to enslave them. The author wrongly regards Tibeius as an Athenian citizen. The words οἰκῶν ἐνθαδὶ Πτελέασι do not show that he "gehört zu einem attischen Demos, ist also attischer Bürger." On the contrary the words indicate almost certainly that he was not a citizen. οἰκῶν ἐν Πτελέα would be the technical description of a metiec's place of residence. A citizen would be described as Πτελέσιος (cf. Capps *Four Plays of Menander* 15; Foucart *De libertorum conditione apud Athenienses* 50). Even if it be admitted that the words are not used in a formal way, they still furnish no evidence that this obscure freedman had been admitted to citizenship.

ROBERT J. BONNER

Catalogue des vases peints du Musée National d'Athènes; Supplément.

Par GEORGES NICOLE. Paris: Librairie ancienne Honoré Champion, 1911. Text of 351 pp. and portfolio of 21 plates. Fr. 70.

This is a supplement to the vase-catalogue of MM. Collignon and Couve, published in 1902. It includes the vases acquired by the National Museum of Athens subsequently to 1897, as well as certain groups which for one reason or another were omitted in the previous work.

M. Nicole is already favorably known to students of Greek vase-painting, especially by his monograph on *Meidias et le style fleuri*. The present catalogue makes the impression of thorough mastery of the extensive and difficult subject. Short notices prefixed to the various subdivisions constitute an excellent guide to the recent literature. It is gratifying to an American reviewer to observe that the contributions of Mrs. Hawes, Miss Hall, Messrs. Seager, Hoppin, and Fairbanks are apparently as familiar to M. Nicole as those of European archaeologists.

More than half of the text is devoted to the earlier classes of Greek pottery down to the introduction of the red-figured style. It is this portion of the work which will be of chief interest to students. Several notable pieces are admirably published in the plates, viz., three superb jars of the "Palace style" from Pylos on Pl. I, an Eretrian amphora of the seventh century B.C. on Pl. VII, and another of the sixth century from the same source on Pls. VIII and IX. The red-figured and other later pieces are less interesting.

F. B. TARBELL

Greek Diminutives in -ION. A Study in Semantics. By WALTER PETERSEN. Weimar: R. Wagner Sohn, 1910. Pp. vii+299.

Professor Petersen studies the various meanings of the secondary adjective suffix -*ion*-, especially as it appears in substantivized neuter forms, for the purpose of finding the origin of the diminutive and related meanings of